

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF TOUCH 1 LONG DISTANCE,)	
INC. FOR A CERTIFICATE OF PUBLIC CON-)	CASE No. 92-157
VENIENCE AND NECESSITY AS A RESELLER OF)	
TELECOMMUNICATIONS SERVICES WITHIN THE)	
COMMONWEALTH OF KENTUCKY)	

O R D E R

IT IS ORDERED that Touch 1 Long Distance, Inc. ("Touch 1") shall file the original and ten copies of the following information with the Commission. The information requested shall be placed in a bound volume with each item tabbed.

The information requested herein is due no later than 30 days from the date of this Order. If the information cannot be provided by this date, Touch 1 shall submit a motion for an extension of time stating the reason a delay is necessary and include a date by which it can be furnished. Such motion will be considered by the Commission.

1. Reference Original Sheet 4, Section 2.2.2 and Original Sheet 6, Section 2.8.2 of the proposed tariff. Provide revised tariff sheets setting out the conditions under which service may be refused or discontinued and the required notice time in compliance with 807 KAR 5:006, Section 14.¹

¹ Revised General Rules, 807 KAR 5:006, became effective February 26, 1992.

2. Reference Original Sheet 5, Section 2.3.3 and Original Sheet 4.9. A utility may assess a late payment penalty, but cannot charge interest on delinquent bills. A late payment penalty may be assessed only once on any bill for rendered services. Any payment received must first be applied to the bill for services rendered. Additional penalty charges may not be assessed on unpaid penalty charges. (807 KAR 5:006, Section 9(3)(h).) Provide a revised tariff sheet.

3. Reference Original Sheet 5, Section 2.3.4. A utility cannot deny service because of the applicant's financial condition. 807 KAR 5:006, Section 7, allows a utility to require a deposit to ensure payment of bills. Provide a revised tariff sheet.

4. Reference Original Sheet 5, Section 2.5.2. Explain in detail, giving examples, of the type taxes Touch 1 proposes to allocate to subscribers.

5. Reference Original Sheet 6, Section 2.6.1 and Original Sheet 14, Section 4.10. Section 12 of 807 KAR 5:006 provides for 3 working days' notice in person, in writing or by telephone. Touch 1's tariff requires 10 days' written notice. Explain why Touch 1 should be allowed to deviate from the regulation.

6. Reference Original Sheet 7. Add the following language after Section 2.8.2:

Acceptance by the Commission of the liability provisions contained in this tariff does not constitute its determination that the limitation of liability imposed by the company should be upheld in a court of law, but the recognition that, as it is the duty of the courts to adjudicate negligence claims and rights to recover damages therefor, so it is the duty of the courts to

determine the validity of the exculpatory provisions of this tariff.

7. Has Touch 1 or any of its affiliates ever provided and/or collected any money from the public for the provision of intrastate telecommunications services in Kentucky? If so, explain in detail.

8. Does Touch 1 own and/or operate any coin-operated telephones in any jurisdiction? If so, explain.

9. Does Touch 1 have any affiliation with any other company which owns and/or operates any coin-operated telephones in any jurisdiction? If so, explain.

10. Provide a toll-free number or provision for accepting collect calls for customer complaints.

Done at Frankfort, Kentucky, this 19th day of May, 1992.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director, Acting